

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE J. T. QUEN TRACT NO. 160-----116.87 ACRES.

Location: This land is located on the waters of Indian Creek, a tributary of Deep Creek about six miles from Bryson City and about one mile off the public road. It adjoins the lands of the Champion Fibre Company and other small property owners.

Description: With the exception of its location, it is a fine mountain farm, the cove land is in grass, the woodland has not been cut very extensively. All of the land is steep but nevertheless it is a well tended mountain farm.

Improvements: The improvements are two good log cabins, a good barn and two good cribs together with some other out buildings. About fifty acres in pasture, well fenced, about one hundred bearing apple trees.

Valuation:	Two log houses	\$400.00
	Barn and cribs	400.00
	Other out buildings	100.00
	Five acres in grass	350.00
	Fifty acres in pasture	1000.00
	Orchard	100.00
	Sixty-two acres woodland	650.00
		<u>\$2500.00</u>

An option has been taken on this property for \$3000.00.

Analysis of Title

Tract No. 160.

J. T. Queen-----116.87 acres.

This tract is covered by the following grants, to wit:

Grant No. 967 to E. H. Olmstead
" " 1000 to A. C. Wiggins
" " 125 to A. W. Parris
" " 7621 to James H. Cline

Grant No. 967 is superior in title by reason of its earlier date and grant 7621 is shown merely for the purpose of indicating its lappage upon Tract 160. No title is derived under Grant 7621. The title to the present claimant under these grants is as follows:

GRANT 1000.

1. Grant 1000 was issued to A. C. Wiggins on December 12, 1870, for 155 acres. The southern portion of Grant 1000 covers the eastern part of Tract 160; this grant is registered in Swain County. Page 953 of this Abstract.

2. A. C. Wiggins died leaving a will which is recorded in Book 1, page 19 of the Records of Wills in the Office of the Clerk of the Superior Court of Swain County. He devises the lands covered by Grant 1000 to Josephine Wiggins with power in her as Executrix to sell said lands upon the terms therein mentioned. This will is set out in the Abstract of title to Tract 160, page 174.

3. Josephine Wiggins by deed dated October 26, 1896, conveyed to C. E. Randall two tracts of land, the second tract covering the lands embraced in Grant 1000 and covering Tract 160. This deed is registered in Swain County. Page 954 of this Abstract.

4. C. E. Randall and wife, Ellen Randall, by deed dated November 23, 1905, conveyed to J. E. Davis and wife, Crecie Davis, a tract of land containing thirty-nine acres, the same being a portion of the lands described in the deed from Josephine Wiggins, Executrix to C. E. Randall. This deed covers a portion of Tract 160 included within Grant 1000. This deed is recorded in Swain Co. Page 955 of this Abstract.

5. For continuation of this title, see paragraph 12 of this analysis.

6. Grant No. 125 was issued to A. W. Parris on January 11, 1881. It covers the eastern part of Tract 160 lying immediately west of Grant 1000. It is fully set out in the Analysis of Title to Tract 160 on page _____.

7. We then find a deed from A. W. Parris to John Davis dated July 7, 1908, conveying a tract of fourteen acres, being a portion of the lands covered by Grant 125 and covering the extreme northwestern part of Tract 160. This deed is registered in Swain County. Page 956 of this Abstract.

8. We then find a deed from J. F. A. Koener and wife, A. E. Koener, to Hiram Styles dated February 5, 1900, conveying a tract of fifty-one acres, which covers that portion of Tract 160 lying west of the line of Grant 1000 and east of southeast of the line of Grant 7821. We have not been able, however, to find any conveyance for this tract of land to J. F. A. Koener or his wife, A. E. Koener. This deed is recorded in Swain County. Page 957 of this Abstract.

9. Hiram Styles and wife, Ollie Styles by deed dated August 10, 1904, conveyed the same tract of fifty-one and one-half acres to Harley Branton and wife Mary Branton. This deed is recorded in Swain County. Page 958 of this Abstract.

10. Harley Branton and wife, Mary Branton, conveyed to J. T. Queen by deed dated December 19, 1908, a tract of forty-four acres, being a part of the fifty-one acre tract above mentioned lying West of Grant 1000 and covering a portion of Tract 160. This deed is recorded in Swain County. Page 957 of this Abstract.

11. We also have a deed from Harley Branton and wife, Mary Branton, and J. W. Vick and wife, Lydia Vick, to J. E. Davis dated December 3, 1918, which covers that portion of Tract 160 lying West of the tract described in the last named deed. It apparently includes also the fourteen acre tract which was conveyed by A. W. Parris to J. E. Davis as hereinbefore referred to. This deed is recorded in Swain County. Page 960 of this Abstract.

TITLE UNDER GRANT 1000 CONTINUED.

12. C. E. Randall and wife, C. Ellen Randall, conveyed to W. T. Styles by deed dated August 20, 1901, a tract of thirty-five acres, which is a portion of the lands theretofore conveyed to C. E. Randall by Josephine Wiggins, Executrix. This deed covers a portion of Tract 160 lying immediately East of the line of Grant 1000 and also includes Tract 162. This deed is recorded in Swain County. Page 961 of this Abstract.

13. W. T. Styles and wife, V. T. Styles, by deed dated April 14, 1902, conveyed the same Tract of thirty-five acres to J. T. Queen. This deed is recorded in Swain County. Page 962 of this Abstract.

14. John E. Davis and wife, S. L. Davis, by a deed dated February 3, 1919, conveyed to J. T. Queen two tracts of land, one containing forty-one acres which covers the extreme eastern part of Tract 150 and the other of twenty-one acres which covers the extreme western end of Tract 150. One of these tracts was conveyed to J. E. Davis by C. E. Randall and wife, Ellen Randall, by deed dated November 23, 1905 and the other is described in a deed from Harley Branton and wife to John E. Davis as hereinbefore set out. This deed is recorded in Swain County. Page 963 of this Abstract.

15. We also find a conveyance by J. T. Queen and wife, Ruth to J. E. Davis dated December 9, 1912, conveying a tract of one and five-eighths acres. This small tract apparently lies in the eastern part of Tract 150 and we think is inoperative now because of the following deed. It is recorded in Swain County. Page 965 of this Abstract.

16. J. E. Davis, Widower, by deed dated May 28, 1929, executed and conveyed by quit claim to J. T. Queen a tract covering the Eastern portion of Tract 150 and lying East of tract acquired by J. T. Queen from W. T. Stiles. This deed is made to cure defects in the original deed executed by J. E. Davis to J. T. Queen on February 3, 1919. This deed is recorded in Swain County. Page 966 of this Abstract.

GRANT 967.

17. Grant No. 967 was issued to E. B. Clastead November 10, 1867. This grant is older and superior in title to Grant 125 and 1000 and covers all of Tract 150. It is recorded in Swain County and is fully set out on page 778 of the Abstract of Title to Tract 150.

18. The title under this grant subsequently became vested in the heirs of R. Y. Maiden by various wills, deeds and conveyances, which are set out in the Abstract of Title to Tract 150, pages 778 to 783.

19. After the title had thus become vested in the heirs of R. Y. Maiden, in 1905 the heirs of said R. Y. Maiden instituted an action in the Superior Court of Swain County against a large number of defendants including Charlie Randall, John Davis, J. T. Queen and Harley Branton. We find the following decree entered in this action:

(a) By judgment recorded in Minute Docket Book 6, page 555, in the Office of the Clerk of the Superior Court, Joseph Queen disclaims all right, title and interest in the tract of land described in the complaint of the plaintiffs, except as to thirty-five acres as to which a compromise was entered into between the parties and said Queen was adjudged to be the owner of said thirty-five acre tract, the same being a portion of Tract 150 lying immediately east of the line of Grant 1000, and being the same thirty-five acre tract described in the deeds hereinbefore referred to.

(b) A compromise judgment was entered into as set out in Minute Docket Book 6, page 567 in the Office of the Clerk of the Superior Court of Swain County in favor of Charlie Randall and John Davis in which it is determined that said Randall was the owner of a tract of land containing fifty-nine acres, which is fully described in said decree and covers the eastern part of Tract 160. These decrees are set out in this Abstract, page 967.

20. However, while Harley Branton was made a party to this proceeding, we do not find any decree covering that portion of Tract 160 lying west of the line of Grant 1000. It is possible that such decree was entered or that there was some determination of the matter. The records merely show that this action as to Harley Branton, et al., was non-suited at the July-August Term 1917 in the Superior Court of Swain County. See Judgment Docket 9, page 380. However, said J. T. Queen and those under whom he claims have been in long continuous adverse possession of this portion of Tract 160 and due to the fact that the action by the heirs of R. Y. Holden was non-suited and was never renewed, we think there can be no question of J. T. Queen's title to this portion of Tract 160. As to the extent and character of this possession, see affidavit of _____, page _____ of this Abstract.